

REMARKS

Claims 1-13, 71-130, 152-158, and 164-166 are all the claims pending in the application. Applicant editorially amends claims 1-7, 10, 12, 13, 71, 82, 89-101, 103, 109, 110, 112-124, 126-128, 130-139, 152, 154, 155, and 158 to cure minor informalities noted by the Examiner. The amendments to claims 1-7, 10, 12, 13, 71, 82, 89-101, 103, 109, 110, 112-124, 126-128, 130-139, 152, 154, 155, and 158 were made for reasons of precision of language and improved conformity with the U.S. practice, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. By this Amendment, Applicant cancels claim 166 without prejudice or disclaimer.

I. Summary of the Office Action

Claims 89-112 and 130-139 are rejected under 35 U.S.C. § 112, second paragraph and claims 1-13, 71-130, 152-158, and 164-166 are rejected under 35 U.S.C. § 102.

Furthermore, it is respectfully noted that the Examiner withdrew the rejection under 35 U.S.C. § 102 of claims 131-139. That is, claims 131-139 are not rejected over the prior art of record. Accordingly, Applicant assumes claims 131-139 contain allowable subject matter provided the 35 U.S.C. § 112, second paragraph rejection is overcome. If Applicant's understanding is misplaced, a new Office Action is respectfully requested addressing claims 131-139 on their merits.

II. Claims Rejected Under 35 U.S.C. § 112

Claims 89-112 and 130-139 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant thanks the Examiner for pointing out, with particularity, the aspects

of the claim thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

III. Statement of Substance of the Interview

Applicant thanks the Examiner for the courteous telephonic interview on July 11, 2007.

The Statement of Substance of the Interview is as follows:

During the interview claims 1, 89-101, and 103, 114-124, 126-128, 130, and 155 were discussed. In particular, the Examiner pointed out minor informalities in the noted claims. These claims have been amended to remedy the informalities noted by the Examiner. In addition, independent claims 1 and 155 were discussed in view of U.S. Patent No. 5,253,166 to Dettelbach et al. (hereinafter "Dettelbach"). The Examiner agreed that the proposed amended set of claims appear to overcome the rejection of record subject to further search. The Examiner requested that the arguments with respect to the claims are made of record. Accordingly, Applicant respectfully directs the Examiner's attention to § IV of this Amendment.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

IV. Claims Rejected Under 35 U.S.C. § 102

Claims 1-13, 71-130, 152-158, and 164-166 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,253,166 to Dettelbach et al. (hereinafter “Dettelbach”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

A. Legal Standard

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention. MPEP § 2131.

B. Claimed Invention as set forth in Claim 1

This response, at least initially, focuses on the independent claim 1. For example, claim 1, among a number of unique features, recites:

displaying a plurality of components received
in said client computer, each of said
plurality of components having a parameter;
selecting by a customer at least one of the
plurality of components;
manipulating by the customer information for
at least one parameter of the at least one
selected component;...
calculating by the server a plurality of
options, each of said plurality of options
comprising at least one suboption that
corresponds to a value of one of said selected
ones of said components, the at least one
suboption is selected in accordance with said
received manipulated parameter information,
each of the at least one suboption represents

inventory manipulated by a seller in real-time;...

selecting by the customer at least two suboptions from at least two different received plurality of options;

creating a final option based on said client selection;

requesting by the customer a reservation of the created final option;

transmitting by the client computer to said server said created final option and the reservation request;

generating by the server a confirmation that the final option is reserved for the client in response to the transmitted reservation request...

wherein the created final option is a customized travel package.

For example, in an exemplary, non-limiting embodiment of the present invention, it is taught that the user can choose various components from a number of options to customize a package for travel reservation. That is, in the conventional techniques, the user may choose from a number of packages or may need to reserve each component of the package separately. In the conventional techniques, there is no disclosure of a user receiving various packages having a number of components each where based on the input parameters, the user is allowed to select components from different travel packages to obtain a customized package and making a reservation for the requested customized package that is obtained from components of different travel packages.

In short, the conventional techniques fail to teach or suggest having a user select a package with components such as an airline ticket and a hotel reservation, and in return, obtain a

number of various packages (various combinations of the sub-options *i.e.*, airline tickets and hotel reservations), where the user can pick and choose various sub-options (airline tickets and hotel reservations) from different packages to arrive at a final option (to compose a customized package). The user is not provided with any flexibility over individual components of various packages. This exemplary, non-limiting embodiment is provided by way of an explanatory example only and is not intended to limit the scope of the claims in any way.

C. Prior Art Reference

Dettelbach deals with an improved record keeping system that obtains and stores *already made* customers reservations (*see* Abstract). In particular, Dettelbach discloses having a customer airline computer reservation system (hereinafter “CRS”), which is updated in real-time as the reservation are being made by the travel agents (col. 3, lines 36 to 45). At a predetermined scheduled time, the computer reservation system (CRS) dumps all data into the record keeping system 10 (Fig. 1A; col. 3, lines 46 to 57). The raw data file 12 is dumped into the record keeping system 10 (Fig. 3) via a device T (*e.g.*, modem). In the record keeping system 10, the raw data file 12 is then organized into a transfer file 20 (Fig. 4), which has a delineated record for each reservation (col. 4, lines 33 to 52).

D. Examiner’s Position

In response to Applicant’s arguments, the Examiner contended that Figs. 3 and 4; col. 3, line 65 to col. 4, line 25, and col. 4, lines 45 to 50 of Dettelbach disclose the unique features being argued (*see* page 7 of the Office Action). The Examiner further contended that Dettelbach discloses creating customized travel packages (*see* page 8 of the Office Action). This allegation,

however, is not supported by any passages from the reference. The Examiner further agreed during the telephonic interview that the proposed amended claims appear to overcome the rejections of record.

E. Applicant's Position

The position set forth in the Office Action is believe to be inaccurate, as explained in greater detailed below. First, the Examiner contended that interactive communication between a client computer and server is disclosed in col. 3, lines 36 to 37 of Dettelbach (*see* page 8 of the Office Action). Col. 3, lines 36 to 45 of Dettelbach recite:

The record keeping system 10 is capable of communication with one or more customer airline computer reservation systems CRSs through a local device T running proprietary software and having a MODEM connection with the CRSs and a serial printer output port. Each CRS contains a suitable queue file Q99 for retention of customer travel data pertaining to travelers serviced by the system 10. The queue Q99 is updated in real-time as reservations are taken by travel agents or the like.

As is visible from the above-quoted passage, Dettelbach fails to disclose or suggest interactive (back and forth) communication between a client computer and a server.

In Dettelbach, at a scheduled time, the data from the CRS is simply dumped into the record keeping system 10 (col. 3, lines 46 to 56). In Dettelbach, there is no disclosure or suggestion of the record keeping system 10 influencing the CRSs. In Dettelbach, the data from the various CRSs is simply dumped into the record keeping system. In other words, Dettelbach simply discloses an automated data dump and lacks any interactive communication between the CRSs and the record keeping system (alleged server and client computer). In short, in

Dettelbach, the CRS transfers its data into a record keeping system 10 without any back and forth interaction. Dettelbach clearly fails to disclose the interactive communication between a client computer and a server.

Furthermore, Dettelbach clearly fails to disclose or suggest the interactive communication between the client computer and the server as set forth in claim 1. In other words, Dettelbach does not disclose or even remotely suggest: a) “transmitting by the client computer to a server said manipulated parameter information one of the parameter information,” b) receiving by the client computer from said server the calculated plurality of options,” c) “transmitting by the client computer to said server said created final option,” and d) “transmitting by the server to the client computer the generated confirmation.”

As clearly depicted in Figs. 3 and 4 of Dettelbach, the selected travel itinerary data items that are "picked" from the raw data file 12 are listed in FIG. 4, wherein all items listed are extracted from the raw data file 12 shown in FIG. 3 (col. 4, lines 45 to 52). In other words, Dettelbach discloses “selecting” or “picking” each item in the raw data file 12 (Fig. 3) and organizing it *i.e.*, adding a header and a trailer, into the transfer file 20 (Fig. 4). In short, Dettelbach does not disclose or suggest the client computer transmitting to a server the manipulated parameter information and based on the manipulated parameters, receiving from said server by the client computer the calculated plurality of options, where the user via the client computer creates a final option from these options and transmits this final option to the server, and the server transmits to the client computer a generated confirmation. In Dettelbach, there is no such interaction between the CRS system and the record keeping system.

In addition, Dettelbach does not disclose or suggest “creating a final option and requesting by the customer a reservation of the created final option.” Dettelbach relates to “*pre-travel*” time which is the period *after the reservation is made and before the actual departure time* (col. 1, lines 25 to 28). In other words, Dettelbach relates to efficiently managing the already existing reservations (col. 2, lines 30 to 43). In short, Dettelbach does not disclose or suggest creating a final option and requesting by a customer a reservation of the created final option. This argument stands unrebutted (*see* pages 7-8 of the Office Action).

In addition, Dettelbach organizes raw data file 12 into records (Figs. 3 and 4; col. 4, lines 33 to 52) but there is no calculation of a number of options, selecting sub-options from various options so as to create a final option. The Examiner relies on col. 3, line 65 to col. 4, line 29 of Dettelbach, which recite:

The serial interface control B is written in a high level language source code such as C to run under the well-known operating systems of PC-DOS or MS-DOS within IBM-PC compatible personal computers. The executable code is loaded into RAM from disk when called to execute by the record keeping system 10.

More particularly with reference to FIGS. 1a-2b, the serial interface control B has generally four operator-selectable functions: collect data 100; condition data for R: Base 102; configure serial port 104; and, exit 106. The source code for the interface program is provided in Appendix II below.

Collect Data 100

The interface control program B prompts the operator for a file name to write the imported information within the record keeping system 10. After entering the file name without a DOS

extension, the interface program checks the I/O serial part A and issues a message to the sending unit CRS to begin data transmission into a file created having the selected file name and a ".RAW" extension 12. The communication link may be established via MODEM and well-known techniques according to the RS232C standard and the many variations thereof. Hardware and/or software communication protocols may be used for handshaking. A representation of the pre-travel itinerary data contained in the raw data file 12, or reservation data set, is illustrated in FIG. 3. The FIGURE is a partial, but representative, example of the overall contents of the raw data file 12 which may contain the travel itineraries of a large number of customers, wherein the FIGURE illustrates the travel itinerary of only a single person.

That is, Dettelbach simply discloses a record keeping system and organizing the reservation information for easy access and analysis. Dettelbach, however, is completely unrelated to creating a customize travel package. As is visible from the quoted passage above and contrary to the Examiner's allegations (*see* page 7 of the Office Action), Dettelbach does not disclose or suggest creating a final option from various sub-options of different options.

Also, Dettelbach discloses an existing reservation having a field for storing a confirmation number (col. 5, line 39 and col. 7, lines 57 to 60). However, Dettelbach deals with already existing reservations as such a field is provided for the confirmation numbers of the existing reservations. Dettelbach does not disclose or suggest generating a confirmation, as set forth in claim 1. This argument stands un rebutted (*see* pages 7-8 of the Office Action).

F. Concluding Remarks for Claim 1

Therefore, “displaying a plurality of components received in said client computer, each of said plurality of components having a parameter; selecting by a customer at least one of the plurality of components; manipulating by the customer information for at least one parameter of the at least one selected component; calculating by the server a plurality of options, each of said plurality of options comprising at least one suboption that corresponds to a value of one of said selected ones of said components, the at least one suboption is selected in accordance with said received manipulated parameter information, each of the at least one suboption represents inventory manipulated by a seller in real-time; selecting by the customer at least two suboptions from at least two different received plurality of options; creating by the customer a final option based on said client selection; requesting by the customer a reservation of the created final option; transmitting by the client computer to said server said created final option and the reservation request; generating by the server a confirmation that the final option is reserved for the client in response to the transmitted reservation request..., wherein the created final option is a customized travel package,” as set forth in claim 1 is not disclosed by Dettelbach, which lack a) multi-level interactive client computer/server communication, b) creating by a customer a final option based on selecting suboptions from at least two different options and requesting by the client a reservation of the created final option, c) creation of a customize travel package, and d) generating a confirmation. For at least these exemplary reasons, Applicant respectfully submits that claim 1 is patentably distinguishable from Dettelbach.

G. Claims that Depend on Claim 1

Claims 2-13 and 164-166 are patentable at least by virtue of their dependency.

Furthermore, the Examiner alleges that these claims are rejected on the same rationale as independent claims (*see* page 7 of the Office Action). ***Each of the dependent claims recites additional features that provide separate basis of patentability.*** Applicant respectfully requests the Examiner to indicate that the claims contain allowable subject matter or to address these claims on their merits.

For example, dependent claim 4 recites: “sorting by the server said calculated plurality of options according to price.” In Dettelbach, there is no disclosure or even remote suggestion of sorting various options by price. This argument remains unrebutted by the Examiner. For at least this additional exemplary reason, claim 4 is patentably distinguishable from Dettelbach.

Dependent claim 164 recites: “when executing said calculating of the plurality of options, for each of the plurality of calculated options, checking by the server on-the-fly availability of the inventory corresponding to a suboption of the option being calculated.” In Dettelbach, which deals with an already existing reservations, there is no disclosure or suggestion of checking availability of the inventory when calculating the options. This argument remains unrebutted by the Examiner. For at least these additional exemplary reasons, claim 164 is patentably distinguishable from Dettelbach.

Dependent claim 165 recites: wherein the manipulating comprises inputting a value for said at least one parameter of the at least one selected component. Dettelbach does not disclose or suggest these unique features of claim 165 and the Examiner has not addressed claim 165 on

its merits. For at least these additional exemplary reasons, claim 165 is patentably distinguishable from Dettelbach.

H. Other Independent Claims

Independent claims 71, 89, 113, 130, 152, 155, and 158 recite features similar to the features argued above with respect to claim 1. For at least analogous reasons, therefore, Applicant respectfully submits that independent claims 71, 89, 113, 130, 152, 155, and 158, and their dependent claims 72-88, 90-112, 114-129, 131-139, 153, 154, 156, and 157 are patentably distinguishable from Dettelbach. In view thereof, Applicant respectfully requests the Examiner to withdraw this rejection of claims 71-130 and 152-158.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an interview.**

AMENDMENT UNDER 37 C.F.R. § 1.114(c) AND
STATEMENT OF SUBSTANCE OF INTERVIEW
U.S. Application No.: 10/031,405

Attorney Docket No.: A7736

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/Nataliya Dvorson/_____
Nataliya Dvorson
Registration No. 56,616

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 8, 2007